

1 Richard Gruber  
2 # 85152  
3 P.O. Box 7000  
4 Carson City NV 89702

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6 United States District Court  
7 District of Nevada

8

9 Richard Gruber  
10 Pro se Plaintiff

11 — VS —

12 Karen Gedney et al  
13 Defendants

case no. 3:15-cv-00543 RCJ VPC

14 Plaintiffs Motion For An  
15 Enlargement of Time To File  
16 A Response To Defendants  
17 Objection To The Report And  
18 Recommendation, of U.S.  
19 Magistrate Judge.  
(First Request)

20 Comes now, Plaintiff Richard Gruber in pro se  
21 hereby moves this Honorable Court for an  
22 enlargement of time to file "A Response To  
23 Defendants Objection To The Report and  
24 Recommendation of U.S. Magistrate Judge."

25 This Motion is based on the following  
26 memorandum of points and authorities, Federal  
27 rules of civil procedure 72, and all papers  
28 and pleadings on file in this case.

Memorandum of Points And Authorities

1 The plaintiff received the defendants objection  
2 to the report and recommendation of U.S.  
3 magistrate Judge on August 23, 2018,  
4 Fed R Civ P 6(b)(1) governs enlargement of  
5 time as follows:  
6 when an act may or must be done within  
7 a specified time, the court may, for good  
8 cause, extend the time: (A) with or without  
9 motion or notice if the court acts, or if  
10 a request is made, before the original time  
13 or its extension expires; or (B) on motion  
14 made after the time has expired if the party  
15 failed to act because of excusable neglect.  
16 The proper procedure, when additional time  
17 for any purpose is needed, is to present a  
18 request for extension of time before the time  
19 fixed has expired. *Carup v Mississippi Val*  
20 *Barge Line Co* 31 FRD 282 (WD PA 1962).  
21 Extensions of time may always be asked for,  
22 and usually are granted on a showing of  
23 good cause if timely made under subdivision  
24 (B)(1) of the rule. *Creedon v Taubman* 8  
25 FRD 268 (ND Ohio 1947).  
26 Plaintiff seeks an enlargement of time to  
27 file a response to defendants objection to  
28 the report and recommendation of U.S.  
29 magistrate Judge.

1 Plaintiffs time to file his response has not  
2 expired. The request for an enlargement of  
3 time is based on the fact that the defendants  
4 Objection contains a lot of information that  
5 the plaintiff needs to rebut, and plaintiff is  
6 a pro se litigant. This enlargement of time  
7 is not made to prejudice the defense.

8 The original time fixed was 14 days, until  
9 September 5, 2018, the plaintiff is requesting  
10 an additional 14 days, until September 19, 2018  
11 to file his response to defendants objection.

12 Conclusion

13 Based on the foregoing, plaintiff Richard Gruber  
14 respectfully requests that his motion for  
15 enlargement of time be granted.

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Respectfully submitted

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*Richard Gruber*

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Dated this 23rd day of August 2018

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Per A.R. 722, this document was prepared  
by inmate assistant Fred Zinser # 1102031

26

IT IS SO ORDERED

27

J. Jones  
U.S. DISTRICT JUDGE

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DATED: 9/5/2018

CERTIFICATE OF SERVICE

Pursuant to FRCP Rule 5 (b), I hereby certify that I am the petitioner named herein and that on this  
24th day of August, 2018 I mailed a true and correct copy of the foregoing:  
Response to objection, to the following:

U.S. District Court  
District of Nevada (Reno)  
Electronic Filing

AND

Office of the Attorney General  
100 N Carson street  
Carson City N.V. 89701

XRichard Greeter  
Petitioner, In Proper Person

**AFFIRMATION**  
Pursuant to NRS 239b.030

The undersigned does hereby affirm that the preceding document, motion for  
an enlargement of time.

Filed in case number: 315CVO0543 (Type in block letters)

Document does not contain the social security number of any person

Or

Document contains the social security number of a person as required by:

A specific state or federal law, to wit

Or

For the administration of a public program

Or

For an application for a federal or state grant

01

Confidential Family Court Information Sheet  
(NRS 125.130, NRS 125.230, and NRS 125b.055)

DATE: 8-24-18

Richard Greber  
(Signature)

Richard Gruber  
(Print Name)

PRO SE  
(Attorney for)

## IT IS SO ORDERED

U.S. DISTRICT JUDGE

DATED: \_\_\_\_\_